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| 09/872,877 | 05/31/2001 | Alejandro A. Elizondo Alvarez | 32944-00044USPT | 3173 |

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| EXAMINER |
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NGUYEN, JOSEPH D

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| ART UNIT | PAPER NUMBER |
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2683

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,877

Applicant(s)

ELIZONDO ALVAREZ,
ALEJANDRO A.

Examiner

Joseph D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2,4-12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4-9, 11-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer et al. (6,363,431) in view of Joensuu (5,867,788).

Regarding claim 2, Hammer et al. discloses a method for Short Message Services (SMS) provisioning in a system including a Home Location Register (HLR), a Message Center, a Mobile Switching Center (MSC) (abstract, fig. 1, col. 6 lines 16-36), comprising the steps of:

- a) storing location data for said MSC in said HLR, wherein said location data includes at least one Mobile Switching Center Identification Number (MSCIN) parameter (switch ID) and an SMS address common point code (abstract, fig. 1, col. 4 lines 7-15, col. 5 line 52 thru col. 6 line 58, and col. 8 lines 45-59);
- b) receiving a request from said MC to deliver a SMS message to said MSC (fig. 2-4, col. 8 lines 3-27);
- c) determining whether the MC and the MSC share the same point code scheme (fig. 2-4, col. 8 lines 3-59);

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d) selectively populating (generating) a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme if the MSC and MC share the same point code schemes (#530 fig. 4, col. 10 lines 30-67); or populating said smsreq with the MSCIN parameter (switch id) if the MSC and MC do not share the same point code scheme (generating different message format and identifier) (#525 fig. 4, col. 10 lines 38-63).

However, Hammer et al. does not specifically disclose a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme and smsreq with the MSCIN parameter.

Joensuu teaches a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme and smsreq with the MSCIN parameter (fig. 9, col. 8 lines 14-59). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Hammer et al. system with the teaching of Joensuu of a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme and smsreq with the MSCIN parameter in order to deliver the short message to the exact destination request.

Regarding claim 4, Hammer et al. further discloses the method of claim 2, wherein the MSCIN parameter is in Global Title Address (GTA) format ((Global Title Translation (GTT)) (col. 3 lines 1-26).

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Regarding claim 5, Hammer et al. further discloses the method of claim 4. However, Hammer does not specifically disclose wherein said GTA format uses an E.212 identifier.

Joensuu teaches wherein said GTA format uses an E.212 identifier (#150 fig. 3, col. 5 lines 6-325). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Hammer et al. system with the teaching of the Joensuu of the format uses an E.212 identifier in order to provide the unique format to properly deliver the received signal to the final destination.

Regarding claim 6, Joensuu further discloses the method of claim 4, wherein said GTA format uses an E.164 identifier (fig. 3).

Regarding claim 7, Joensuu further discloses the method of claim 4, wherein said GTA format uses a combination of said E.212 and E.164 identifiers (#150 fig. 3).

Regarding claim 8, Hammer et al. further discloses the method of claim 2, wherein said HLR has a database including at least one country code and at least one corresponding point code scheme (#255 fig. 1, col. 2 line 56 thru col. 3 line 7). However, Hammer et al. does not specifically disclose at least one country code and at least one corresponding point code scheme.

Joensuu teaches at least one country code and at least one corresponding point code scheme (abstract, #210 fig. 4-5). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Hammer et al. system with the teaching of Joensuu of country code with point code scheme in order

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to in order to identify the country of serving switch to properly deliver the received signal to the final destination.

Regarding claim 9, Hammer et al. further discloses the method of claim 8, wherein said point code scheme is specified according to American National Standards Institute (ANSI) standard-41 (col. 3 lines 8-26, and col. 6 lines 34-36).

Regarding claim 11, Hammer et al. further discloses the method of claim 8, wherein the step of comparing the MC point code scheme with the MSC point code scheme occurs in said database in said HLR (col. 6 line 16 thru col. 8 line 67).

Regarding claim 12, Hammer et al. further discloses the method of claim 2, wherein the step of determining the MC point code scheme (abstract, fig. 1, col. 6 lines 16-67). However, Hammer et al. does not specifically disclose the step further includes the step of determining a nationality of the MC. But it would have been obvious to one ordinary skilled in the art that when the country of the point code can be determined, which means the nationality can be determined.

Regarding claim 15, Hammer et al. discloses a Home Location Register (HLR) (col. 6 line 24), comprising:

a) a database (#255 fig. 1) for storing location data for a Mobile Switching center (MSC) in said HLR, wherein said location data includes at least on Mobile Switching Center Identification Number (MSCIN) parameter and a short message service (SMS) address common point code (abstract, fig. 1, col. 4 lines 7-15, col. 5 line 52 thru col. 6 line 58, and col. 8 lines 45-59);

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b) receiver means for receiving a request from said MC to deliver a SMS message to said MSC (col. 8 lines 3-27);

c) means for determining whether the MC and the MSC share the same point code scheme (fig. 2-4, col. 8 lines 3-59);

d) means for selectively populating a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme if the MSC and MC share the same point code schemes (#530 fig. 4, col. 10 lines 30-67); or populating said smsreq with the MSCIN parameter if the MSC and MC do not share the same point code scheme (#525 fig. 4, col. 10 lines 38-63).

However, Hammer et al. does not specifically disclose a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme and smsreq with the MSCIN parameter.

Joensuu teaches a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme and smsreq with the MSCIN parameter (fig. 9, col. 8 lines 14-59). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Hammer et al. system with the teaching of Joensuu of a SMS request response (smsreq) relative to said SMS message with one of the SMS address [MSC] point code scheme and smsreq with the MSCIN parameter in order to deliver the short message to the exact destination request.

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3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer et al. (6,363,431) in view of Joensuu (5,867,7888) and further in view of Shmulevich et al. (6,515,985).

Regarding claim 10, in the modify Hammer et al. system, Hammer et al. further discloses the method of claim 8, wherein said point code scheme is specified according to International Telecommunication Union (ITU) format (col. 13 lines 21-47). However, modify Hammer et al. system does not specifically disclose ITU standard Q.700.

Shmulevich et al. teaches point code scheme is specified according to International Telecommunication Union (ITU) standard Q.700 (fig. 1, col. 1 lines 31-49, and col. 9 line 66 thru col. 10 line 49). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the modify Hammer et al. system with the teaching of Shmulevich et al. system of point code scheme according to International Telecommunication Union standard Q.700 in order to set up the call, and maintain this signaling link during the call for purposes of subscriber roaming.

Response to Arguments

4. Applicant's arguments with respect to claims 2, 4-12, and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label
"PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. Sixth floor (Receptionist).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen



Jul. 10, 2004



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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